

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MOTIO, INC.,

Plaintiff,

v.

BSP SOFTWARE LLC,
BRIGHTSTAR PARTNERS, INC.
and AVNET, INC.,

Defendants.

CAUSE NO. 4:12-cv-00647-ALM

Hon. Amos L. Mazzant

**PLAINTIFF'S NOTICE OF NON-OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF
NO INFRINGEMENT OF CLAIMS 4 AND 7-10 OF U.S. PATENT NO. 8,285,678**

Plaintiff Motio, Inc. ("Motio") files this Notice of Non-Opposition to the Motion for Summary Judgment of No Infringement of Claims 4 and 7-10 of U.S. Patent No. 8,285,678 [Dkt. 154] filed by Defendant Avnet, Inc., as follows:

Prior to Defendants' filing of their Motion for Summary Judgment, Defendants had failed to make clear the basis for their non-infringement arguments regarding polling. In particular, Defendants' answers to interrogatories were unclear with respect to claims 4 and 7-10 of U.S. Patent No. 8,285,678. Defendants' position has finally been made clear in the briefing supporting their Motion for Summary Judgment. After considering Defendants' recently clarified non-infringement arguments with respect to claims 4 and 7-10, Plaintiff will not oppose the relief requested by Defendant in their Motion for Summary Judgment of No Infringement of Claims 4 and 7-10 of U.S. Patent No. 8,285,678 [Dkt. 154].

Dated: October 13, 2015

Respectfully Submitted,

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Attorneys for Plaintiff Motio, Inc.

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on October 13, 2015, I caused to be filed electronically PLAINTIFF'S NOTICE OF NON-OPPOSITION with the Clerk of the Court using the CM/ECF system, which will send an electronic copy of the foregoing to counsel of record and constitutes service under Federal Rule of Civil Procedure Fed. R. Civ. P. 5(d) pursuant to Local Rule CV-5(a)(c) of the Eastern District of Texas.

/s/ Kelly J. Kubasta

Kelly J. Kubasta